

January 20, 1995
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

U.S.A. V. CITY OF SAN DIEGO,
UNITED STATES DISTRICT COURT
CIVIL CASE NO. 88-1101-B

The first status conference under the Interim Order in the City's ongoing litigation over the sewerage system upgrade was held on January 19, 1995 before the Honorable Rudi M. Brewster, District Judge.

The judge received evidence from the City that all projects mandated in his Interim Order of August 26, 1994 were on schedule and appropriate for improving the system. Evidence as to the City's progress in applying for a waiver under the legislative authority of H.R. 5176 was also received. As to both areas, the judge expressed satisfaction on the effort, direction and progress of the program. In light of this effort, the judge agreed to defer any trial on secondary treatment issues until after the waiver has been evaluated.

Remaining potential issues as to spills, sludge and pre-treatment remain as part of the federal complaint, but these will be addressed in an Evidentiary Status Conference on November 28, 1995. Further issues involving the progress of the City's waiver application will be discussed with you in Closed Session in March 1995.

Respectfully submitted,
JOHN W. WITT
City Attorney

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RC-95-5